**the HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.4142 of 2007**

**Date: 30.03.2007**

Between:

Nadimpalli Lila.

....Petitioner

And

The Executive Engineer, Irrigation Dept., Gudiwada, Krishna District and others.

....Respondents

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

**WRIT PETITION No.4142 of 2007**

**O R D E R:**

The petitioner claims that she established fish tanks over the land in R.S.Nos.111/1B, 111/3 of Kaikaluru Village and Mandal, Krishna District, and to maintain the same, she had obtained permission from the Executive Engineer, Drainage Section, Kaikaluru, to draw the water from Polaraj drain, through an electric motor. Her grievance is that the respondents are trying to demolish the canal, through which the petitioner is supplying water to the fish tanks.

Learned counsel for the petitioner has placed a copy of No Objection Certificate said to have been issued by the Executive Engineer, Drainage Section, Kaikaluru, in the year 2004. He submits that his client is complying with the directions incorporated therein.

Learned Government Pleader for Irrigation, on instructions, submits that there is no subsisting permission in favour of the petitioner and that even where permissions were accorded, the facility is only to dig a well in the patta land and connect the well to the nearby drain

with pipes and draw water therefrom. It is further contended that the fish tanks are within the prohibited area.

The petitioner has not placed any orders passed by the authorities concerned, to enable her to establish fish tanks. A copy of the No Objection Certificate issued by the Executive Engineer, Drainage Section, Kaikaluru is filed. In view of the orders passed by the Supreme Court in various matters, establishment of fish tanks is prohibited in certain areas. The question as to whether the fish tanks established by the petitioner attract the prohibition, cannot be decided by this Court, since the full details are not available. Further, the permission accorded to the petitioner, to draw the water, was subject to the condition that she shall dig a well in her own patta land and connect the same to the nearby drain with pipes and draw water. If the petitioner has complied with the same, the respondents cannot interfere with his activity.

For the foregoing reasons, the Writ Petition is disposed of, directing that in case, the fish tanks established by the petitioner, do not attract the prohibition contained in any enactment or orders passed by the Courts, and the drawal of the water by the petitioner is in accordance with the conditions imposed, while issuing No Objection Certificate, the respondents shall not interfere with the same. In case, it is found that the petitioner had

violated any such condition, it shall be open to the respondents, to require the petitioner to comply with the same within the stipulated time and take further action, thereafter. There shall be no order as to costs.

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**30.03.2007**

**JSU**